

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FERNANDO GASTELUM,

Plaintiff,

v.

BEST BUY, INC.,

Defendant.

Case No. 1:23-cv-00244-KES-BAM

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING
DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT, AND DENYING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT

Docs. 27, 30, 34

Plaintiff Fernando Gastelum, proceeding pro se, contends that, given his disability, Best Buy Stores, L.P. (sued as Best Buy, Inc.) violated the ADA by not have accessible features in its store located in Fresno, California. Doc. 22. Plaintiff seeks summary judgment, arguing he is entitled to injunctive relief under the ADA and Unruh Civil Rights Act, statutory damages under the Unruh Act, and monetary damages under the California Disabled Persons Act. Doc. 27. Defendant also seeks summary judgment, arguing plaintiff lacks standing under the ADA, lacks evidence to establish his federal claim, and plaintiff's federal injunctive claim is moot. Doc. 30. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 19, 2025, the assigned magistrate judge issued findings and recommendations recommending that defendant's motion for summary judgment be granted and plaintiff's motion

1 for summary judgment be denied. Doc. 34. As the magistrate judge correctly noted, the only
2 claim remaining at issue in this action is plaintiff's ADA claim seeking injunctive relief, as the
3 Court previously declined to exercise supplemental jurisdiction over plaintiff's state law claims,
4 which were dismissed without prejudice. Doc. 34 at 5, n.2; Doc. 13. With respect to the sole
5 ADA claim at issue, the magistrate judge found that plaintiff failed to establish the injury-in-fact
6 requirement for purposes of the ADA and therefore lacked standing to pursue his ADA claim, and
7 that defendant's motion for summary judgment should be granted on that basis. Doc. 34 at 10.

8 As plaintiff failed to satisfy the injury-in-fact requirement, the magistrate judge also
9 concluded that plaintiff's motion for summary judgment was moot. *Id.* Alternatively, the
10 magistrate judge found that even if plaintiff could satisfy the injury-in-fact requirement, he was
11 not entitled to summary judgment on his ADA claim because he had not met his burden to
12 establish any accessibility violations. *Id.* at 14.

13 The findings and recommendations were served on the parties and contained notice that
14 any objections thereto were to be filed within fourteen days after service. *Id.* at 14. No
15 objections have been filed, and the time to do so has passed. In accordance with the provisions of
16 28 U.S.C. § 636(b)(1), the Court conducted a de novo review of this case. Having carefully
17 reviewed the file, the Court concludes that the findings and recommendations are supported by
18 the record and proper analysis.

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1 Accordingly,

- 2 1. The findings and recommendations issued on May 19, 2025, Doc. 34, are adopted in
3 full;
4 2. Defendant's motion for summary judgment, Doc. 30, is granted;
5 3. Plaintiff's motion for summary judgment, Doc. 27, is denied;
6 4. The Clerk of the Court is directed to enter judgment in favor of defendant Best Buy
7 Stores, L.P. (sued as Best Buy, Inc.), and against plaintiff Fernando Gastelum, and to
8 close this case.

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11 IT IS SO ORDERED.

12 Dated: June 13, 2025

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UNITED STATES DISTRICT JUDGE